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Human Rights Committee

Concluding observations on the fourth periodic report of the Netherlands

Addendum

Information received from the Netherlands on follow-up to the concluding observations*

[22 August 2013]

Introduction

1. In his letter of 24 May 2013 the Special Rapporteur for Follow-up on Concluding Observations of the Human Rights Committee requested a reply to the following additional questions:

> *1. The measures taken to ensure that asylum seekers are given the opportunity to adequately substantiate their claims through the presentation of evidence (para. 9).*
>
> *2. The number of asylum applications made and the number rejected on the basis of the application of the principle of non-refoulement.*
>
> *3. The implementation status and schedule for the follow-up project to the "Schoonmaken Terreinen" ("Cleaning of premises"), the overhaul of the sanitary system, and the provision of a daily programme of activities in the Bon Futuro Prison; and the provision of education for adults and young offenders in the Bonaire Remand Prison (para. 23).*
>
> *4. Updated information on the progress made for the implementation of the described measures in the Bon Futuro Prison and the Bonaire Remand Prison, and the evaluation and lessons learned on such progress (para. 23).*

2. The answers to the Special Rapporteur's questions will be provided below.

* The present document is being issued without formal editing.

Question 1

3. The introduction of the period of rest and preparation preceding the general asylum procedure allows asylum seekers more time than they previously had to gather and submit relevant information to substantiate their asylum applications. During this period the asylum seeker is prepared for the procedure and interview by his/her legal adviser and the Dutch Refugee Council. The asylum seeker has access to e-mail, phone, fax and other means to gather information that can help substantiate the claim. During the second interview in the procedure, which the asylum seeker prepares for together with his/her legal adviser, the asylum seeker has ample opportunity to put forward his/her claim and any relevant evidence. Even evidence that the asylum seeker gathers after a denial of his/her application will be taken into account during an appeal against the denial.

Question 2

4. It is important to stress that *all* asylum applications are assessed in the light of the international standards concerning the principle of non-refoulement. These international grounds for protection have been incorporated into the relevant domestic legal framework.

5. The number of asylum applications made in the last five years are (rounded up/down):

2007: 9,730;

2008: 15,280;

2009: 16,170;

2010: 15,150;

2011: over 14,500.

6. The number of asylum applications that have been granted in first instance in the last five years are:

2007: 52%;

2008: 48%;

2009: 44%;

2010: 44%;

2011: 44%.

Questions 3 and 4

Bonaire Remand Prison

7. On 10 October 2010 the Netherlands assumed responsibility for central government judicial tasks on Bonaire, St Eustatius and Saba (the "BES islands"), including the judicial and custodial institutions on the islands. In both the lead-up to that date and the period since, measures were and still are being phased in to improve the system in order to meet international standards. The Government would refer in particular to the following measures.

8. In 2008, with the assistance of the Custodial Institutions Agency (DJI) in the Netherlands, a project was launched to renovate the existing prison on Bonaire. Since 2010 this institution has been under the authority of the Chief Director of DJI and capacity has been expanded from 24 to 76 places. There is now a maximum of two offenders per cell and the institution is clean and safe for staff and offenders. The staff are at full strength and

in the near future middle managers from the Netherlands will be replaced by locally employed staff. All local staff (approximately 70 full-time equivalents (FTEs)) have received basic professional training for work in custodial institutions.

9. There is separate accommodation for young adults (aged 18-24) and offenders who are minors (aged 17 or under) and a separate care unit for offenders who cannot function well in the regular unit. Offenders in the care unit receive extra guidance and are seen by a psychiatrist and psychologist.

10. Each unit has a schedule which provides for daily activities such as fresh air, sport, recreation and small-scale work projects. The first steps have been taken towards providing education for adults and juvenile offenders through a literacy course. A medical service has been set up and is now operational. Offenders can request a visit from this service by filling in a form. Two local nurses have received training on the job in the Netherlands.

11. The institution's director and middle management have now developed a number of working protocols, such as a new visiting procedure. There are regular consultations between the director and the detainees' committee, which represents offenders. Close contacts are maintained with the DJI in the Netherlands in order to keep up to date on policy developments.

12. The first steps have been taken towards providing education for adults and juveniles alike, initially through a two-year pilot. A teacher has been seconded from the Bonaire Combined School to teach young people aged 23 and under. The regular curriculum is covered as well as more specialist courses (e.g. to tackle illiteracy).

Sentro di Detenshon i Korekshon Korsou (SDKK, previously Bon Futuro Prison)

The implementation status and schedule for the follow-up project to the "Schoonmaken Terreinen" ("Cleaning of premises")

13. The "Schoonmaken Terreinen" project has been completed. The replacement of louvred doors and shutters has taken place. The reason for the delay was primarily the time it took to meet several primary conditions that needed to be in place before the work could be carried out (i.e. ensuring that sufficient funding and security staff were available).

The overhaul of the sanitation system

14. The overhaul of the sanitation system will take place in two phases. "Waterproject 1" will cover the remand centre, isolation wing and one cell block, with "Waterproject 2" covering the remaining cell blocks. These two projects are by far the largest and most difficult, and will have the greatest impact on the hygiene and welfare of the inmates. They are scheduled to be completed in 2014.

The provision of a daily programme of activities

15. After 13 September 2011, the prison limited all inmate activities as a result of security measures taken following an incident in which two inmates were shot by a third inmate. These measures included reducing inmates' movements within the cell block corridors, meaning that inmates could only be outside their cell block if this was absolutely necessary. As a result, there were fewer activities for inmates outside their own cell block.

16. The new security measures have recently been evaluated, and it has been decided to gradually reintroduce activities, albeit in a different setting and form. The main difference between the new activities and the old activities will be that inmates from different cell blocks will not be allowed to interact with each other. The express purpose is to prevent

incidents involving inmates. The new activity programme, which started on 12 March 2012, consists of:

- Mandatory social rehabilitation: five times a week;
- Music lessons: once a week;
- Use of the library: once a fortnight;
- Pastoral care and counselling: twice a week;
- Counselling: at the inmate's request;
- Sewing classes: four times a week;
- Tailoring classes: four times a week;
- Information and computer technology (ICT): three times a week;
- Cultural and art classes: three times a week;
- Painting and decorating: four times a week;
- Papiamentu classes: three times a week;
- Carpentry: four times a week;
- Sport: twice a week;
- Gymnastics: twice a week.

Updated information on the progress made in implementing the measures described in the SDKK; the evaluation of such progress and lessons learned

17. Bon Futuro Prison has been renamed *Sentro di Detenshon i Korekshon Korsou* (SDKK). The changes which have been and continue to be implemented are aimed at improving the inmates' safety, hygiene and detention conditions.

18. A framework of conditions needs to be in place to accomplish these goals, improve inmates' actual detention conditions and comply with international standards. The SDKK is ensuring that this framework is put in place.

19. Progress has been made, such as improving the camera observation system, introducing and implementing a general maintenance plan, creating a security division responsible for perimeter security and hiring additional staff. The master plan for the SDKK is still in progress.

20. Measures aimed at improving the living conditions of the inmates are currently being undertaken. These include renovating sanitation facilities (toilets and showers) in the cell blocks, doing everything possible to ensure that food is properly prepared and goes out on time, improving the solitary confinement wing, and providing a new building where the inmates can work. Only the Waterprojects have not been finalized. All other projects and measures have been completed, including a new access control building, a new warehouse and a new detention facility for foreigners.

21. The SDKK aims to finalize all projects by December 2014, and is working closely with a team of Dutch specialists in order to achieve this goal. The Ministries of Justice in the Netherlands and Curaçao share responsibility for implementing and monitoring the plan. The approach, planning and work in progress are subject to regular evaluation by both Ministries and the SDKK.